

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

J.S.1, J.S.2., T.S., and A.T., by and through
their guardian ad litem, SAVANAH ST.
CLAIR,

Plaintiff,

v.

COUNTY OF KERN, et al.,

Defendants.

No. 1:20-cv-01557-DAD-JLT

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
PLAINTIFFS' MOTION FOR APPROVAL OF
THE MINORS' COMPROMISE

(Doc. Nos. 11, 14)

J.S.1, J.S.2, T.S., and A.T.,¹ by and through their guardian *ad litem* Savannah St. Clair filed the pending action against defendants County of Kern, Fernando Rocha, Linda Flores Lopez, Florence Miranda, Debra Greenwood, Officer Donald Marvin, Officer Douglas Wilson, and Kern Medical Center, asserting that the minors were wrongfully removed from the custody of their parents by government Child Protection Services workers and subjected to unwanted and unnecessary medical procedures and examinations. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 1, 2021, plaintiff filed a motion to approve the minors' compromise, seeking court approval of the settlement between the parties. (Doc. No. 11.) Defendants did not oppose

¹ This case was settled prior to plaintiff A.T. reaching the age of majority. (Doc. No. 14 at 1 n.1) (citing Doc. 11-2 at ¶ 3.)

1 or otherwise respond to the motion. On March 23, 2021, the assigned magistrate judge issued
2 findings and recommendations, recommending that plaintiff's motion to approve the minors'
3 compromise be granted and further finding the proposed settlement was fair, reasonable, and in
4 the best interests of J.S.1, J.S.2, A.T., and T.S. (Doc. No. 14 at 6–9.) The findings and
5 recommendations contained notice that any objections were to be filed within fourteen (14) days.
6 The time to do so has since passed and no objections have been filed.

7 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), Local Rule 304, and *Britt*
8 *v. Simi Valley United School District*, 708 F.2d 452, 454 (9th Cir. 1983), the undersigned has
9 conducted a *de novo* review of the case. Having carefully reviewed the file, the court finds the
10 findings and recommendations are supported by the record and proper analysis.

11 Accordingly,

- 12 1. The findings and recommendations dated March 23, 2021 (Doc. No. 14) are
13 adopted in full;
- 14 2. Plaintiffs' motion for approval of the minors' compromise (Doc. No. 11) is
15 granted:
 - 16 a. Pursuant to the terms of the settlement, defendants are to pay the total sum of
17 \$250,000.00 to resolve this case in its entirety, inclusive of advanced costs and
18 attorney's fees;
 - 19 b. Within fourteen (14) days of receipt of a check payable to the order of Savannah
20 St. Clair as guardian *ad litem* for the minors, J.S.1, J.S.2, and T.S., the
21 settlement funds shall be placed into blocked accounts for the benefit of J.S.1,
22 J.S.2, and T.S., and shall be released when each reaches the age of majority;
 - 23 c. No withdrawals of principal or interest may be made from a blocked account
24 without a written order under this case name and number, signed by a judge,
25 and bearing the seal of this court, until T.S., J.S.1, and J.S. reach the age
26 of majority;

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- d. The settlement funds designated for plaintiff A.T. in the amount of \$50,000.00 shall be dispersed directly to plaintiff A.T. and not placed in a blocked account;
 - e. The remaining sum of \$50,000.00, which sum represents the total of all advanced costs and attorney's fees, is to be distributed to The Law Offices of Shawn A. McMillan, APC.;
 - f. Plaintiffs' counsel shall file, under seal, proof to the court that the monies were deposited into the blocked account within twenty-one (21) days of the receipt of the settlement funds from defendant;
3. The parties shall file a stipulation for dismissal of this action with prejudice, or a joint status report explaining why the stipulation has not been filed within forty-five (45) days of the date of service of this order; and
 4. This matter is referred back to the magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: April 22, 2021


UNITED STATES DISTRICT JUDGE